

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ANNE HUNTER, State Bar No. 136982
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2114
Facsimile: (213) 897-2804
6

Attorneys for Complainant
7
8

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2008-141

13 CAROL ANN BUCKNAM
1920 S. Batson Avenue
14 Rowland Heights, CA 91748
Application for Licensure by Endorsement
15

STATEMENT OF ISSUES

16 Respondent.
17

18 Complainant alleges:
19

PARTIES

20 1. Complainant Ruth Ann Terry, M.P.H., R.N. brings this Statement of
21 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs (Board).

23 2. On or about March 26, 2007, the Board of Registered Nursing received an
24 application for Licensure by Endorsement from Carol Ann Bucknam (Respondent). On or about
25 March 15, 2007, Carol Ann Bucknam certified under penalty of perjury to the truthfulness of all
26 statements, answers, and representations in the application. The Board denied the application on
27 May 16, 2007.

28 \\\

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

STATUTORY PROVISIONS

4. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

“(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.”

“(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

1 7. Section 2762 of the Code provides in pertinent part:

2 "In addition to other acts constituting unprofessional conduct within the meaning
3 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
4 under this chapter to do any of the following:

5 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
6 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
7 or administer to another, any controlled substance as defined in Division 10 (commencing with
8 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
9 defined in Section 4022.

10 "(b) Use any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
12 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
13 injurious to himself or herself, any other person, or the public or to the extent that such use
14 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
15 license.

16 8. Section 480 of the Code provides in pertinent part:

17 "(a) A board may deny a license regulated by this code on the grounds that the
18 applicant has one of the following:

19 ". . . .

20 "(3) Done any act which if done by a licentiate of the business or profession in
21 question, would be grounds for suspension or revocation of license.

22 "The board may deny a license pursuant to this subdivision only if the crime or act
23 is substantially related to the qualifications, functions or duties of the business or profession for
24 which application is made. convicted of a misdemeanor if he has met all applicable requirements
25 of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person
26 when considering the denial of a license under subdivision (a) of Section 482."

27 \\

28 \\

1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Disciplinary Action by Another State)**

3 9. Respondent's application is subject to denial under Code sections 2761,
4 subdivision (a)(4), and 480 in that the Nevada State Board of Nursing has disciplined her license
5 to practice registered nursing in that state. The circumstances are as follows:

6 a. On or about September 21, 2006, pursuant to Agreement for
7 Probation entered in Case No. 0103-06YRE, respondent's Registered Nurse License No.
8 RN31233 issued by the State of Nevada on February 27, 1998, was revoked, the revocation order
9 was stayed, and the license placed on probation for 5 years under certain terms and conditions.
10 Respondent admitted in the Agreement to Probation that she is addicted to alcohol or controlled
11 substances, that her addiction constitutes a violation of Nevada Revised Statutes section 632.320,
12 subdivisions (5) (controlled substances and/or alcohol) and (7) (unprofessional conduct), and
13 Nevada Administrative Code section 632.890, subdivisions (9) (impaired practice) and
14 (35)(failing to comply). The terms and conditions of her probation ordered by the Nevada State
15 Board of Nursing include but are not limited to abstaining from alcohol, mood-altering drugs and
16 controlled substances; participating in a Board-approved after care program; submitting evidence
17 of attending Alcoholics Anonymous or Narcotics Anonymous meetings; and submitting to
18 random urine, blood or other tests for drugs of abuse.

19 b. On October 8, 2002, the Nevada Board of Nursing issued an order
20 in Case No. 1210-00C revoking respondent's probation that had commenced on January 25,
21 2002. Respondent's probation was revoked because she failed to complete a chemical
22 dependency program as required in the Agreement for Probation.

23 c. On January 25, 2002, in the Agreement for Probation
24 (Disciplinary) resolving Case No. 1210-00C, the Nevada State Board of Nursing placed
25 respondent on three year's probation. In the agreement respondent acknowledged that the
26 Nevada State Board of Nursing had received a complaint indicating that on or about December 7,
27 2000, she was sent home from the hospital where she was sent to work because her breath
28 allegedly smelled of alcohol and she was incoherent. Respondent further acknowledged in the

1 agreement for probation that she was suspended on or about September 10, 1999, for substandard
2 work performance during August 1999, and that on or about February 28, 2000, USA Personnel
3 terminated her employment because of substandard work performance at Desert Springs
4 Hospital. The terms and conditions of probation included abstaining from alcohol, mood-altering
5 drugs and controlled substances; being evaluated for chemical dependency; being counseled for
6 chemical dependency; submitting evidence of participation in AA or Gamblers Anonymous (GA)
7 meetings; submitting AA or GA sponsor reports; and submitting to random urine, blood or other
8 tests for alcohol or drugs of abuse.

9 **SECOND CAUSE FOR DENIAL OF APPLICATION**

10 **(Unprofessional Conduct)**

11 10. Respondent's application is subject to denial under Code section 2761,
12 subdivision (a), in that respondent was observed working as a nurse while her breath smelled of
13 alcohol and she was incoherent. The circumstances alleged in paragraph 9 above are realleged
14 and incorporated herein by reference as though set forth in full.

15 **THIRD CAUSE FOR DENIAL OF APPLICATION**

16 **(Dangerous Use of Alcohol)**

17 11. Respondent's application is subject to denial under Code section 2762,
18 subdivision (b), in that respondent was observed working as a nurse while her breath smelled of
19 alcohol and she was incoherent. The circumstances alleged in paragraph 9 above are realleged
20 and incorporated herein by reference as though set forth in full.

21 \\\

22 \\\

23 \\\

24 \\\

25 \\\

26 \\\

27 \\\

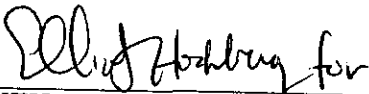
28 \\\

1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board issue a decision:

- 4 1. Denying the application of Carol Ann Bucknam for a Application for
5 Licensure by Endorsement; and
6 2. Taking such other and further action as deemed necessary and proper.
7

8 DATED: 10/25/07
9

10 
11 RUTH ANN TERRY, M.P.H., R.N.
12 Executive Officer
13 Board of Registered Nursing
14 State of California
15 Complainant

16
17 LA2007601062
18 60252673.wpd
19
20
21
22
23
24
25
26
27
28